

**Senate Bill No. 1331**

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Passed the Senate      August 23, 2004

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*Secretary of the Senate*

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Passed the Assembly      August 19, 2004

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to amend Sections 66010.7 and 67380 of, to add Chapter 12.5 (commencing with Section 67100) to Part 40 of, to repeal Sections 69563 and 99155 of, and to repeal Chapter 4.5 (commencing with Section 99180) of Part 65 of, the Education Code, relating to postsecondary education accountability.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1331, Alpert. Postsecondary education accountability: California Postsecondary Education Accountability Act of 2004.

(1) Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education and their respective institutions of higher education. Under existing law, there are 3 segments of the public higher education system in the state. These segments are the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. The independent segment of higher education in the state is represented by the Association of Independent California Colleges and Universities.

Provisions of the Donahoe Higher Education Act are applicable to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable.

Among other things, the act establishes the California Postsecondary Education Commission (CPEC) for, among other purposes, the collection of data pertinent to the planning and coordination of the higher education system of the state.

This bill would add the California Postsecondary Accountability Act of 2004 to the Donahoe Higher Education Act. The bill would establish a statewide California Postsecondary Education Accountability (CPSEA) structure that would annually provide an assessment of the progress made by the state's system of postsecondary education in meeting the educational needs of Californians. The bill would specify the information to be



collected through a statewide reporting system that the bill would establish.

This bill would require the Board of Governors of the California Community Colleges and the Trustees of the California State University, and would request the Regents of the University of California and the Association of Independent California Colleges and Universities, to provide annual reports to the Legislature, CPEC, and the Governor, by October 1 of each year, beginning October 1, 2005, to become part of the state accountability record.

This bill would require CPEC to administer the postsecondary education accountability structure established by the bill. The bill would require CPEC to provide to the Legislature and the Governor, by November 15 of each year, beginning November 15, 2005, a report that includes an analysis of the data collected pursuant to the bill and an assessment of the progress the state is making within each of several specified policy areas.

(2) Existing law establishes a higher education accountability program under which the University of California, the California State University, and the California Community Colleges are required to prepare a list of reports on a regular basis to the Legislature and to state agencies. Under the program, commencing on November 15, 1994, and each November 15 thereafter, the CPEC is required to submit a higher education report to the Legislature and the Governor that provides information on significant indicators of the performance of the public colleges and universities.

This bill would repeal this program.

*The people of the State of California do enact as follows:*

SECTION 1. Section 66010.7 of the Education Code is amended to read:

66010.7. (a) The Legislature, through the enactment of this section, expresses its commitment to encourage and support collaboration and coordination among all segments of education.

(b) Within the differentiation of segmental functions outlined in this article, the institutions of higher education shall undertake intersegmental collaboration and coordination particularly when it can do any of the following:



(1) Enhance the achievement of the institutional missions shared by the segments.

(2) Provide more effective planning of postsecondary education on a statewide basis.

(3) Facilitate achievement of the goals of educational equity.

(4) Enable public and independent higher education to meet more effectively the educational needs of a geographic region.

(5) Facilitate student progress from one segment to another, particularly with regard to preparation of students for higher education as well as the transfer from the California Community Colleges to four-year institutions.

(c) The leaders responsible for public and independent institutions of higher education and the Superintendent of Public Instruction shall work together to promote and facilitate the development of intersegmental programs and other cooperative efforts aimed at improving the progress of students through the educational systems and at strengthening the teaching profession at all levels.

SEC. 2. Chapter 12.5 (commencing with Section 67100) is added to Part 40 of the Education Code, to read:

CHAPTER 12.5. THE CALIFORNIA POSTSECONDARY EDUCATION  
ACCOUNTABILITY ACT OF 2004

67100. The Legislature finds and declares all of the following:

(a) Since the enactment of the Master Plan for Higher Education in 1960, California's system of postsecondary education has provided access and high quality educational opportunities that have fueled California's economic growth.

(b) A combination of factors now poses challenges for postsecondary education and for state policymakers in meeting the postsecondary education needs of Californians. Enrollment is growing, the demographics of the student body are changing, costs are rising, state support for postsecondary education is declining, student fees are increasing, access is being restricted, employers are expressing concerns about graduates' skills, and there is growing public demand to ensure that the state is making proper investments in postsecondary education.



(c) Although the public segments of postsecondary education have each developed their own institution-specific accountability efforts, they do not combine to reflect statewide policy goals that cut across all postsecondary education segments.

(d) In the absence of a statewide focus, the state has limited access to meaningful data that could serve as the basis for analysis on how the state is performing in key areas, and must make important fiscal and policy decisions without that knowledge.

67100.3. It is the intent of the Legislature that a postsecondary education accountability reporting structure contain all of the following elements:

(a) Be focused and strategic in its purpose.

(b) Be used wisely to serve as a tool to improve educational outcomes for Californians.

(c) Be used to support effective, data-driven policy and fiscal decisions.

(d) Acknowledge that not everything about the whole person can be measured, including the intangible learning capacities that students gain from college attendance.

(e) Recognize that students enter the system with different levels of preparation.

(f) Be used to identify and eliminate unnecessary and redundant reports submitted to the state by the various educational agencies and institutions to save resources, improve efficiency, and allow institutions to focus on their efforts on meeting state policy goals and their own related institutional goals.

(g) It is further the intent of the Legislature to eliminate, streamline, and reduce the frequency of reports that statutes require the California Postsecondary Education Commission (CPEC) to prepare that are either not appropriate to the central mission of CPEC or that do not address a critical state need in advancing public policy goals for higher education in California.

67100.5. (a) The State of California shall establish a statewide California Postsecondary Education Accountability (CPSEA) structure that provides the basis for an annual assessment of the progress made by the state's system of postsecondary education in meeting the educational needs of Californians.



(b) This CPSEA structure shall identify a select number of key indicators that measure progress toward four statewide public policy goals for postsecondary education in the following areas:

(1) Educational Opportunity:

(A) This goal envisions that all Californians have reasonable and equal opportunities to attend college.

(B) To measure progress in achieving this goal, the California Postsecondary Education Commission (CPEC) shall collect and analyze data on all of the following:

(i) College readiness among high school graduates.

(ii) College readiness among adults, including adult basic skills proficiency levels.

(iii) College affordability.

(2) Participation:

(A) This goal envisions that California higher education serve a large and diverse population.

(B) To measure progress in achieving this goal, CPEC shall collect and analyze data on all of the following:

(i) Postsecondary enrollment.

(ii) Capacity to serve eligible students.

(iii) Diversity of the college environment.

(3) Student Success:

(A) This goal envisions that California higher education prepare students well for life and work.

(B) To measure progress in achieving this goal, CPEC shall collect and analyze data on all of the following:

(i) Student success in completion of their educational goals, including the use of available transition data.

(ii) Student learning, as measured by indirect and direct measures, with the segments having the primary responsibility for collecting and analyzing direct measures of learning, including student success in acquiring core competencies.

(iii) Student and employer satisfaction.

(4) Public Benefits:

(A) This goal envisions that California higher education benefit the state and its people by providing meaningful participation in civic life and support of the state's economy.

(B) To measure progress in achieving this goal, CPEC shall collect and analyze data on all of the following:

(i) Personal income.



(ii) State economic development.

(iii) Social and civic life.

(c) The CPSEA structure shall establish a statewide reporting system that identifies a select number of key indicators to measure progress toward these state goals. The information provided by this system shall include all of the following:

(1) Statewide aggregate data, as described in this section.

(2) Regional data, reported by regions to be determined pursuant to advice from the CPSEA.

(3) Segmental data, provided by the public and independent nonprofit sectors pursuant to the process described in subdivision (a).

(4) A system-specific annual report to the Governor and the Legislature.

(d) The data for the indicators shall be collected statewide from a variety of sources, including information provided by the segments and the institutions within these segments. Each indicator shall provide information by race and ethnicity, gender, Cal Grant recipient status, and socioeconomic status, to the extent to which data is available. The indicators shall be adopted by the California Postsecondary Education Commission, which shall consult with representatives from the higher education segments, state policymakers, the business community, and higher education students and faculty in the development, adoption, and revision of the indicators.

(e) Data collection for the statewide reporting system shall be implemented in two phases. Phase I of implementation shall report on existing data elements identified for the system that are currently collected, and shall go into effect with the annual report due on October 1, 2005. Phase II of implementation shall include development of new data elements not currently available. Development of the new data elements in Phase II shall begin on October 1, 2006, and go into effect with the annual report due on October 1, 2008.

(f) The Board of Governors of the California Community Colleges and the Trustees of the California State University are required to, and the Regents of the University of California and the Association of Independent California Colleges and Universities are urged to, provide annual reports to the Legislature, the California Postsecondary Education Commission, and the



Governor, by October 1 of each year, beginning October 1, 2005, to become part of the state accountability record. These annual reports shall provide a key link between the state postsecondary education accountability reporting structure and segmental accountability efforts. These annual reports shall include all of the following:

- (1) The segment's main priorities for each of the state's goal areas.
- (2) The major activities underway to address each priority.
- (3) The performance indicators used to track progress toward each goal.
- (4) Major highlights or issues from the data that have state-level significance.
- (5) The segment's institutional goals for student learning outcomes, including core competencies and the capacity to learn; how they assess progress toward these goals; what they are learning from their assessments; and how they are using their assessments to improve learning.

67100.7. The CPSEA structure is guided by the following set of principles:

- (a) A state-level accountability structure is designed to help policymakers develop, maintain, and fund a postsecondary education system that meets the state's goals, recognizes the differentiated missions of each segment of postsecondary education, and guides the segments toward maintaining effective institutions consistent with state goals and institutional missions.
- (b) The CPSEA structure is designed to be simple, yet meaningful.
- (c) Policymakers and governing boards are collectively accountable for meeting public goals for higher education.
- (d) The state-level reporting system is designed to contain only data that helps policymakers to assess progress toward state goals and to make appropriate policy and funding decisions and interventions.
- (e) Monitoring progress toward state goals is largely the responsibility of state policymakers. Monitoring the performance of individual colleges and universities is primarily the responsibility of instructional governing boards.
- (f) The ongoing responsibility of the governing boards is to monitor and be accountable for the performance of individual





colleges and universities for meeting statewide policy goals, segmental and institutional missions and goals, and for the quality of the education of its students.

(g) The data shall be communicated publicly in a concise manner that conveys clearly the relevance of each measure to state policy and fiscal choices.

(h) The data from each segment of postsecondary education shall be submitted electronically, and shall be compatible with guidelines established by the California Postsecondary Education Commission, in consultation with the segments.

67101. For the purposes of this chapter, the segments of postsecondary education are defined as the California Community Colleges, the California State University, the University of California, and the Association of Independent California Colleges and Universities.

67102. The California Postsecondary Education Commission (CPEC) shall be responsible for administering the postsecondary education accountability structure. In this capacity, CPEC shall develop, and, in consultation with segmental representatives, periodically may revise, as necessary, the data elements to be collected, and shall collect and interpret the data. CPEC shall provide an annual report to the Legislature and the Governor by November 15 of each year, beginning November 15, 2005. The report shall include CPEC's independent assessment of the progress being made at the statewide level for each of the policy indicators. The report may also include CPEC's comments on segmental implementation and oversight of the statewide accountability reporting. The report shall, at a minimum, include an analysis of key indicators, as specified by subdivision (b) of Section 67100.5, on a statewide, regional, and segmental basis as specified by Section 67100.5.

67103. In implementing the requirements of this chapter, the California Postsecondary Education Commission and any other affected state agency shall ensure that no additional mandates are imposed on local agencies. Any new activities required to implement this chapter shall be offset by a commensurate reduction in other existing redundant or unnecessary information requirements.

SEC. 3. Section 67380 of the Education Code is amended to read:



67380. (a) The governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary institution receiving public funds for student financial assistance shall do all of the following:

(1) Require the appropriate officials at each campus within their respective jurisdictions to compile records of both of the following:

(A) All occurrences reported to campus police, campus security personnel, or campus safety authorities of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication.

(B) All occurrences of noncriminal acts of hate violence reported to, and for which a written report is prepared by, designated campus authorities.

(2) Require any written record of a noncriminal act of hate violence to include, but not be limited to, the following:

(A) A description of the act of hate violence.

(B) Victim characteristics.

(C) Offender characteristics, if known.

(3) (A) Make the information concerning the crimes compiled pursuant to subparagraph (A) of paragraph (1) available within two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to subdivision (f) of Section 6254 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding paragraph (2) of subdivision (f) of Section 6254 of the Government Code, the name of a victim of any crime defined by Section 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not be disclosed without the permission of the victim, or the victim's parent or guardian if the victim is a minor.

(B) For purposes of this paragraph and subparagraph (A) of paragraph (1), the campus police, campus security personnel, and campus safety authorities described in subparagraph (A) of paragraph (1) shall be included within the meaning of "state or



local police agency” and “state and local law enforcement agency,” as those terms are used in subdivision (f) of Section 6254 of the Government Code.

(4) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request a campus safety plan that sets forth all of the following: the availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For the purposes of this section, posting and distribution may be accomplished by including relevant safety information in a student handbook or brochure that is made generally available to students.

(b) Any person who is refused information required to be made available pursuant to subparagraph (A) of paragraph (1) of subdivision (a) may maintain a civil action for damages against any institution that refuses to provide the information, and the court shall award that person an amount not to exceed one thousand dollars (\$1,000) if the court finds that the institution refused to provide the information.

(c) For purposes of this section, “hate violence” means any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group.

(d) This section does not apply to the governing board of any private postsecondary institution receiving funds for student financial assistance with a full-time enrollment of less than 1,000 students.

(e) This section shall apply to a campus of one of the public postsecondary educational systems identified in subdivision (a) only if that campus has a full-time equivalent enrollment of more than 1,000 students.

(f) Notwithstanding any other provision of this section, this section shall not apply to the California Community Colleges



unless and until the Legislature makes funds available to the California Community Colleges for the purposes of this section.

SEC. 4. Section 69563 of the Education Code is repealed.

SEC. 5. Section 99155 of the Education Code is repealed.

SEC. 6. Chapter 4.5 (commencing with Section 99180) of Part 65 of the Education Code is repealed.



Approved \_\_\_\_\_, 2004

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*Governor*

